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U.S. DISTRICT COURT

1:39 pm, Aug 17, 2023

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK LONG ISLAND OFFICE

For Online Publication Only

EASTERN DISTRICT OF NEW YORK
-----X
In Re: ADDITIONAL CHILD VICTIMS ACT CASES
REMOVED FROM STATE COURT.

ORDER

2:23-cv-04580 (JMA) (ST) and related cases

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AZRACK, United States District Judge:

Currently pending before the undersigned are 58 actions brought under the New York Child Victims Act, each alleging sexual abuse. These actions were all recently removed from state court. After removal, the plaintiffs filed motions to remand and/or the parties entered into scheduling stipulations that address motions to remand.

In an August 10, 2023 decision, the Honorable Gary R. Brown remanded 42 similar sexual abuse cases. *In re Child Victims Act Cases Removed From State Ct.*, No. CV 23-5029(GRB), 2023 WL 5123396, at *5 (E.D.N.Y. Aug. 10, 2023). The undersigned finds Judge Brown's decision persuasive. The 58 cases pending before the undersigned are hereby remanded back to state court for the reasons set out in Judge Brown's August 10, 2023 decision. The Court finds that mandatory abstention applies here. The Court also finds that, even if mandatory abstention were inapplicable here, remand would still be warranted under the doctrines of permissive and equitable abstention.

The Court has also considered the defendants' arguments that this Court should defer ruling on remand pending proceedings before the Honorable Lorna G. Schofield in the Southern District of New York. The Court, however, again finds Judge Brown's decision persuasive on this point.

Accordingly, the 58 cases identified below are hereby remanded back to state court. The Clerk of the Court is directed to transfer the appropriate records to the clerks of the relevant state courts, and to close these cases.

1

1:23-ev-04580-JMA-SIT	1	
2 Davidson v. St. Hugh of Lincoln Roman Catholic Church, 2:23-cv-04580-JMA-ST 3 O'Brien v. St. Agnes Roman Catholic Cathedral, 2:23-cv-04696-JMA-SIL 4 Sussi-Pabilonia v. St. Dominic Elementary School et al, 2:23-cv-04698-JMA-ST 5 Phanithavong v. St. Pius X Roman Catholic Church, 2:23-cv-04711-JMA-AYS 6 T.A. v. St. Ignatius Loyola Roman Catholic Church, 2:23-cv-04724-JMA-LGD 7 Wall v. Holy Name of Mary Roman Catholic Church, et al., 2:23-cv-04726-JMA-LGD 8 Schlich v. St. Mary of the Isle Roman Catholic Church, et al., 2:23-cv-04750-JMA-LGD 9 A.T. v. St. Joseph's Roman Catholic Church, 2:23-cv-04750-JMA-LGD 10 A-005 Doe v. Theodore Roosevelt Council, Inc. et al., 2:23-cv-04780-JMA-ST 11 ARK 365 Doe v. Franciscan Brothers of Brooklyn et al., 2:23-cv-04794-JMA-LGD 12 T.C. v. St. Bernard's Roman Catholic Church, 2:23-cv-049794-JMA-LGD 11 T.V. v. St. Agaphael Parish, 2:23-cv-04836-JMA-ST 13 T.V. v. St. Raphael Parish, 2:23-cv-04837-JMA-SIL 14 W.B. v. St. Martha Roman Catholic Church et al., 2:23-cv-04837-JMA-SIL 15 McCoy v. St. Barnabas the Apostle Roman Catholic Church et al., 2:23-cv-04870-JMA-ST 16 JA-130 Doe v. Due Lady of Fatima Roman Catholic Church, 2:23-cv-04875-JMA-AYS 17 ARK495 Doe v. The Marist Brothers Province of The United States, et al., 2:23-cv-04877-JMA-LGD 18 ARK495 Doe v. St. Dominic's, et al., 2:23-cv-04878-JMA-SIL 19 Maynard v. St. Brigid Our Lady of Hope Regional School, et al., 2:23-cv-04887-JMA-SIC 223-cv-04879-JMA-SIC	1	O'Dea v. Diocese of Brooklyn et al,
2:23-cv-04580-JMA-ST 3 O Brien v. St. Agnes Roman Catholic Cathedral, 2:23-cv-04696-JMA-SIL 4 Sussi-Fabitonia v. St. Dominic Elementary School et al, 2:23-cv-04711-JMA-AYS 5 Phanithavong v. St. Pius X Roman Catholic Church, 2:23-cv-04711-JMA-AYS 6 T.A. v. St. Ignatius Loyola Roman Catholic Church, 2:23-cv-04724-JMA-LGD 7 Walt v. Holy Name of Mary Roman Catholic Church, et al., 2:23-cv-04726-JMA-LGD 8 Schlich v. St. Mary of the Isle Roman Catholic Church, et al., 2:23-cv-04750-JMA-ST 9 A.T. v. St. Joseph's Roman Catholic Church, 2:23-cv-04750-JMA-ST 10 JA-005 Doe v. Theodore Roosevelt Council, Inc. et al, 2:23-cv-04780-JMA-ST 11 ARK 385 Doe v. Franciscan Brothers of Brooklyn et al, 2:23-cv-04836-JMA-ST 13 T.V. v. St. Bernard's Roman Catholic Church, 2:23-cv-04836-JMA-ST 14 W.B. v. St. Martha Roman Catholic Church et al, 2:23-cv-04847-JMA-SIL 15 McCoy v. St. Barnabas the Apostle Roman Catholic Church et al, 2:23-cv-04870-JMA-ST 16 JA-130 Doe v. Our Lady of Fatima Roman Catholic Church, 2:23-cv-04873-JMA-ST 17 ARK495 Doe v. The Marist Brothers Province of The United States, et al, 2:23-cv-04873-JMA-LGD 18 ARK493 Doe v. St. Dominic's, et al, 2:23-cv-04873-JMA-LGD 19 Maynard v. St. Brigid of al, 2:23-cv-04883-JMA-SIL 20 ARK516 Doe v. St. Brigid of tal, 2:23-cv-04989-JMA-ST 10 Daimler v. Notre Dame Parish et al, 2:23-cv-04909-JMA-ST 11 Daimler v. Notre Dame Parish, et al, 2:23-cv-04909-JMA-ST 12 Daimler v. Notre Dame Parish et al, 2:23-cv-04909-JMA-ST 12 Daimler v. Notre Dame Parish, et al, 2:23-cv-04909-JMA-ST		
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4 Sussi-Pabilonia v. St. Dominic Elementary School et al, 2:23-ev-04698-JMA-ST 5 Phanithrovong v. St. Pius X Roman Catholic Church, 2:23-ev-04711-JMA-AYS 6 T.A. v. St. Ignatius Loyola Roman Catholic Church, 2:23-ev-04726-JMA-LGD 7 Wall v. Holy Name of Mary Roman Catholic Church, et al., 2:23-ev-04726-JMA-LGD 8 Schlich v. St. Mary of the Isle Roman Catholic Church, et al., 2:23-ev-04736-JMA-ST 9 A.T. v. St. Joseph's Roman Catholic Church, 2:23-ev-04750-JMA-ST 10 JM-005 Doe v. Theodore Roosevelt Council, Inc. et al., 2:23-ev-04780-JMA-ST 11 ARK 385 Doe v. Franciscan Brothers of Brooklyn et al., 2:23-ev-04794-JMA-LGD 12 T.C. v. St. Bernard's Roman Catholic Church, 2:23-ev-04846-JMA-ST 13 T.V. v. St. Raphael Parish, 2:23-ev-04843-JMA-ST 14 W.B. v. St. Marthael Parish, 2:23-ev-04847-JMA-SIL 15 McCoy v. St. Barnabas the Apostle Roman Catholic Church et al., 2:23-ev-04870-JMA-ST 16 JJ-130 Doe v. Our Lady of Fatima Roman Catholic Church, 2:23-ev-04875-JMA-AYS 17 ARK495 Doe v. The Marist Brothers Province of The United States, et al., 2:23-ev-04877-JMA-LGD 18 ARK495 Doe v. St. Dominic's, et al., 2:23-ev-04879-JMA-LGD 2:23-ev-04879-JMA-LGD 20 ARK516 Doe v. St. Brigid et al., 2:23-ev-0489-JMA-ST 21 Daimler v. Nore Dame Parish et al., 2:23-ev-04916-JMA-ST 22 RKNassaul Doe v. Our Holy Redeemer Roman Catholic Church, et al., 2:23-ev-04919-JMA-ST 22 RKNassaul Doe v. Our Holy Redeemer Roman Catholic Church, et al., 2:23-ev-0499-JMA-ST 23 RKNassaul Doe v. Our Holy Redeemer Roman Catholic Church, et al., 2:23-ev-0499-JMA-ST 23 RKNassaul Doe v. Our Holy Redeemer Roman Catholic Church, et al., 2:23-ev-0499-JMA-ST	3	O'Brien v. St. Agnes Roman Catholic Cathedral,
2:23-ev-0468-JMA-ST Phanithavong v. St. Pius X Roman Catholic Church, 2:23-ev-04711-JMA-AYS T.A. v. St. Ignatius Loyola Roman Catholic Church, 2:23-ev-04724-JMA-LGD Wall v. Holy Name of Mary Roman Catholic Church, et al., 2:23-ev-04726-JMA-LGD Schlich v. St. Mary of the Isle Roman Catholic Church, et al., 2:23-ev-04756-JMA-LGD A.T. v. St. Joseph's Roman Catholic Church, 2:23-ev-04786-JMA-LGD J.4-005 Doe v. Theodore Roosevelt Council, Inc. et al, 2:23-ev-04780-JMA-ST REAL ST. v. St. Bernard's Roman Catholic Church, 2:23-ev-04780-JMA-LGD T.C. v. St. Bernard's Roman Catholic Church, 2:23-ev-0483-JMA-ST T.V. v. St. Raphael Parish, 2:23-ev-04843-JMA-SI W.B. v. St. Martha Roman Catholic Church et al, 2:23-ev-04847-JMA-SIL McCoy v. St. Barnabas the Apostle Roman Catholic Church et al, 2:23-ev-0487-JMA-SIL McCoy v. St. Barnabas the Apostle Roman Catholic Church et al, 2:23-ev-0487-JMA-SIL McRay Doe v. V. Lady of Fatima Roman Catholic Church, 2:23-ev-0487-JMA-LGD ARK495 Doe v. The Marist Brothers Province of The United States, et al, 2:23-ev-0487-JMA-LGD Maymard v. St. Brigid Out Lady of Hope Regional School, et al, 2:23-ev-04887-JMA-LGD Maymard v. St. Brigid Out Lady of Hope Regional School, et al, 2:23-ev-04889-JMA-SIL Maymard v. St. Brigid Out Lady of Hope Regional School, et al, 2:23-ev-0489-JMA-SID ARK516 Doe v. St. Brigid et al, 2:23-ev-04949-JMA-SIC Daimler v. Notre Dame Parish et al, 2:23-ev-04949-JMA-SIC RKNassaul Doe v. St. Raymond Parish, et al, 2:23-ev-04949-JMA-SIC RKNassaul Doe v. Our Holy Redemer Roman Catholic Church, et al,		2:23-cv-04696-JMA-SIL
2:23-ev-0468-JMA-ST Phanithavong v. St. Pius X Roman Catholic Church, 2:23-ev-04711-JMA-AYS T.A. v. St. Ignatius Loyola Roman Catholic Church, 2:23-ev-04724-JMA-LGD Wall v. Holy Name of Mary Roman Catholic Church, et al., 2:23-ev-04726-JMA-LGD Schlich v. St. Mary of the Isle Roman Catholic Church, et al., 2:23-ev-04756-JMA-LGD A.T. v. St. Joseph's Roman Catholic Church, 2:23-ev-04786-JMA-LGD J.4-005 Doe v. Theodore Roosevelt Council, Inc. et al, 2:23-ev-04780-JMA-ST REAL ST. v. St. Bernard's Roman Catholic Church, 2:23-ev-04780-JMA-LGD T.C. v. St. Bernard's Roman Catholic Church, 2:23-ev-0483-JMA-ST T.V. v. St. Raphael Parish, 2:23-ev-04843-JMA-SI W.B. v. St. Martha Roman Catholic Church et al, 2:23-ev-04847-JMA-SIL McCoy v. St. Barnabas the Apostle Roman Catholic Church et al, 2:23-ev-0487-JMA-SIL McCoy v. St. Barnabas the Apostle Roman Catholic Church et al, 2:23-ev-0487-JMA-SIL McRay Doe v. V. Lady of Fatima Roman Catholic Church, 2:23-ev-0487-JMA-LGD ARK495 Doe v. The Marist Brothers Province of The United States, et al, 2:23-ev-0487-JMA-LGD Maymard v. St. Brigid Out Lady of Hope Regional School, et al, 2:23-ev-04887-JMA-LGD Maymard v. St. Brigid Out Lady of Hope Regional School, et al, 2:23-ev-04889-JMA-SIL Maymard v. St. Brigid Out Lady of Hope Regional School, et al, 2:23-ev-0489-JMA-SID ARK516 Doe v. St. Brigid et al, 2:23-ev-04949-JMA-SIC Daimler v. Notre Dame Parish et al, 2:23-ev-04949-JMA-SIC RKNassaul Doe v. St. Raymond Parish, et al, 2:23-ev-04949-JMA-SIC RKNassaul Doe v. Our Holy Redemer Roman Catholic Church, et al,	4	Sussi-Pabilonia v. St. Dominic Elementary School et al,
2:23-ev-04711-JMA-AYS 6 T.A. v. St. Ignatius Loyola Roman Catholic Church, 2:23-ev-04724-JMA-LGD 7 Wall v. Holy Name of Mary Roman Catholic Church, et al., 2:23-ev-04726-JMA-LGD 8 Schlich v. St. Mary of the Isle Roman Catholic Church, et al., 2:23-ev-04750-JMA-ST 9 A.T. v. St. Joseph's Roman Catholic Church, 2:23-ev-04756-JMA-LGD 10 JA-005 Doe v. Theodore Roosevelt Council, Inc. et al., 2:23-ev-04780-JMA-ST 11 ARK 385 Doe v. Franciscan Brothers of Brooklyn et al., 2:23-ev-04846-JMA-ST 12 T.C. v. St. Bernard's Roman Catholic Church, 2:23-ev-04836-JMA-ST 13 T.V. v. St. Raphael Parish, 2:23-ev-04847-JMA-SIL 14 W.B. v. St. Martha Roman Catholic Church et al., 2:23-ev-04847-JMA-SIL 15 McCoy v. St. Barnabas the Apostle Roman Catholic Church et al., 2:23-ev-04875-JMA-ST 16 JA-130 Doe v. Our Lady of Fatima Roman Catholic Church, 2:23-ev-04877-JMA-LGD 18 ARK495 Doe v. The Marist Brothers Province of The United States, et al., 2:23-ev-04879-JMA-LGD 18 ARK493 Doe v. St. Dominic's, et al., 2:23-ev-04879-JMA-LGD 19 Maynard v. St. Brigid/Our Lady of Hope Regional School, et al., 2:23-ev-04883-JMA-SIL 20 ARK516 Doe v. St. Brigid et al., 2:23-ev-04902-JMA-ST 21 Daimler v. Notre Dame Parish et al., 2:23-ev-04916-JMA-LGD 22 RKNassau2 Doe v. St. Raymond Parish, et al., 2:23-ev-04916-JMA-ST		
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6 T.A. v. St. Ignatius Loyola Roman Catholic Church, 2:23-ev-04724-JMA-LGD 7 Wall v. Holy Name of Mary Roman Catholic Church, et al., 2:23-ev-04750-JMA-LGD 8 Schlich v. St. Mary of the Isle Roman Catholic Church, et al., 2:23-ev-04750-JMA-ST 9 A.T. v. St. Joseph's Roman Catholic Church, 2:23-ev-04756-JMA-LGD 10 JA-005 Doe v. Theodore Roosevelt Council, Inc. et al., 2:23-ev-04780-JMA-ST 11 ARK 385 Doe v. Franciscan Brothers of Brooklyn et al, 2:23-ev-04840-JMA-LGD 12 T.C. v. St. Bernard's Roman Catholic Church, 2:23-ev-04836-JMA-ST 13 T.V. v. St. Raphael Parish, 2:23-ev-04843-JMA-ST 14 W.B. v. St. Martha Roman Catholic Church et al, 2:23-ev-04847-JMA-SIL 15 McCoy v. St. Barnabas the Apostle Roman Catholic Church et al, 2:23-ev-04870-JMA-ST 16 JA-130 Doe v. Our Lady of Fatima Roman Catholic Church, 2:23-ev-04877-JMA-LGD 17 ARK495 Doe v. The Marist Brothers Province of The United States, et al, 2:23-ev-04877-JMA-LGD 18 ARK493 Doe v. St. Dominic's, et al, 2:23-ev-04879-JMA-LGD 19 Maynard v. St. Brigid/Our Lady of Hope Regional School, et al, 2:23-ev-04883-JMA-ST 20 ARK516 Doe v. St. Rigid et al, 2:23-ev-0490-JMA-ST 21 Daimler v. Notre Dame Parish et al, 2:23-ev-04916-JMA-LGD 22 RKNassauz Doe v. St. Raymond Parish, et al, 2:23-ev-0490-JMA-ST		
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7 Wall v. Holy Name of Mary Roman Catholic Church, et al., 2:23-ev-04726-JMA-LGD 8 Schlich v. St. Mary of the Isle Roman Catholic Church, et al, 2:23-ev-04750-JMA-ST 9 A.T. v. St. Joseph's Roman Catholic Church, 2:23-ev-04756-JMA-LGD 10 JA-005 Doe v. Theodore Roosevelt Council, Inc. et al, 2:23-ev-04780-JMA-ST 11 ARK 385 Doe v. Franciscan Brothers of Brooklyn et al, 2:23-ev-04794-JMA-LGD 12 T.C. v. St. Bernard's Roman Catholic Church, 2:23-ev-04836-JMA-ST 13 T.V. v. St. Raphael Parish, 2:23-ev-0483-JMA-ST 14 W.B. v. St. Martha Roman Catholic Church et al, 2:23-ev-04847-JMA-SIL 15 McCoy v. St. Barnabas the Apostle Roman Catholic Church et al, 2:23-ev-04870-JMA-ST 16 JA-130 Doe v. Our Lady of Fatima Roman Catholic Church, 2:23-ev-04875-JMA-AYS 17 ARK495 Doe v. The Marist Brothers Province of The United States, et al, 2:23-ev-04877-JMA-LGD 18 ARK495 Doe v. St. Dominic's, et al, 2:23-ev-04877-JMA-LGD 19 Maynard v. St. Brigid/Our Lady of Hope Regional School, et al, 2:23-ev-04883-JMA-SIL 20 ARK516 Doe v. St. Brigid et al, 2:23-ev-04902-JMA-ST 21 Daimler v. Notre Dame Parish et al, 2:23-ev-04909-JMA-ST 22 RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-ev-04949-JMA-ST 23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,		
2:23-cv-04726-JMA-LGD 8 Schlich v. St. Mary of the Isle Roman Catholic Church, et al, 2:23-cv-04750-JMA-ST 9 A.T. v. St. Joseph's Roman Catholic Church, 2:23-cv-04756-JMA-LGD 10 JA-005 Doe v. Theodore Roosevelt Council, Inc. et al, 2:23-cv-04780-JMA-ST 11 ARK 385 Doe v. Franciscan Brothers of Brooklyn et al, 2:23-cv-04794-JMA-LGD 12 T.C. v. St. Bernard's Roman Catholic Church, 2:23-cv-04836-JMA-ST 13 T.V. v. St. Raphael Parish, 2:23-cv-04843-JMA-ST 14 W.B. v. St. Martha Roman Catholic Church et al, 2:23-cv-04847-JMA-SI 15 McCoy v. St. Barnabas the Apostle Roman Catholic Church et al, 2:23-cv-04870-JMA-ST 16 JA-130 Doe v. Our Lady of Fatima Roman Catholic Church, 2:23-cv-04875-JMA-AYS 17 ARK495 Doe v. The Marist Brothers Province of The United States, et al, 2:23-cv-04877-JMA-LGD 18 ARK495 Doe v. St. Dominic's, et al, 2:23-cv-04879-JMA-LGD 19 Maynard v. St. Brigid Our Lady of Hope Regional School, et al, 2:23-cv-04883-JMA-SIL 20 ARK516 Doe v. St. Brigid et al, 2:23-cv-04902-JMA-ST 21 Daimler v. Nore Dame Parish et al, 2:23-cv-04916-JMA-LGD 22 RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-cv-04949-JMA-ST	7	
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2:23-cv-04847-JMA-SIL 15 McCoy v. St. Barnabas the Apostle Roman Catholic Church et al, 2:23-cv-04870-JMA-ST 16 JA-130 Doe v. Our Lady of Fatima Roman Catholic Church, 2:23-cv-04875-JMA-AYS 17 ARK495 Doe v. The Marist Brothers Province of The United States, et al, 2:23-cv-04877-JMA-LGD 18 ARK493 Doe v. St. Dominic's, et al, 2:23-cv-04879-JMA-LGD 19 Maynard v. St. Brigid/Our Lady of Hope Regional School, et al, 2:23-cv-04883-JMA-SIL 20 ARK516 Doe v. St. Brigid et al, 2:23-cv-04902-JMA-ST 21 Daimler v. Notre Dame Parish et al, 2:23-cv-04916-JMA-LGD 22 RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-cv-04949-JMA-ST 23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,		2:23-cv-04843-JMA-ST
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2:23-cv-04870-JMA-ST 16 JA-130 Doe v. Our Lady of Fatima Roman Catholic Church, 2:23-cv-04875-JMA-AYS 17 ARK495 Doe v. The Marist Brothers Province of The United States, et al, 2:23-cv-04877-JMA-LGD 18 ARK493 Doe v. St. Dominic's, et al, 2:23-cv-04879-JMA-LGD 19 Maynard v. St. Brigid/Our Lady of Hope Regional School, et al, 2:23-cv-04883-JMA-SIL 20 ARK516 Doe v. St. Brigid et al, 2:23-cv-04902-JMA-ST 21 Daimler v. Notre Dame Parish et al, 2:23-cv-04916-JMA-LGD 22 RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-cv-04949-JMA-ST 23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,		2:23-cv-04847-JMA-SIL
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17 ARK495 Doe v. The Marist Brothers Province of The United States, et al, 2:23-cv-04877-JMA-LGD 18 ARK493 Doe v. St. Dominic's, et al, 2:23-cv-04879-JMA-LGD 19 Maynard v. St. Brigid/Our Lady of Hope Regional School, et al, 2:23-cv-04883-JMA-SIL 20 ARK516 Doe v. St. Brigid et al, 2:23-cv-04902-JMA-ST 21 Daimler v. Notre Dame Parish et al, 2:23-cv-04916-JMA-LGD 22 RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-cv-04949-JMA-ST 23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,		
2:23-cv-04877-JMA-LGD 18 ARK493 Doe v. St. Dominic's, et al, 2:23-cv-04879-JMA-LGD 19 Maynard v. St. Brigid/Our Lady of Hope Regional School, et al, 2:23-cv-04883-JMA-SIL 20 ARK516 Doe v. St. Brigid et al, 2:23-cv-04902-JMA-ST 21 Daimler v. Notre Dame Parish et al, 2:23-cv-04916-JMA-LGD 22 RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-cv-04949-JMA-ST 23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,	17	
18 ARK493 Doe v. St. Dominic's, et al, 2:23-cv-04879-JMA-LGD 19 Maynard v. St. Brigid/Our Lady of Hope Regional School, et al, 2:23-cv-04883-JMA-SIL 20 ARK516 Doe v. St. Brigid et al, 2:23-cv-04902-JMA-ST 21 Daimler v. Notre Dame Parish et al, 2:23-cv-04916-JMA-LGD 22 RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-cv-04949-JMA-ST 23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,	_ ,	· · · · · · · · · · · · · · · · · · ·
2:23-cv-04879-JMA-LGD 19 Maynard v. St. Brigid/Our Lady of Hope Regional School, et al, 2:23-cv-04883-JMA-SIL 20 ARK516 Doe v. St. Brigid et al, 2:23-cv-04902-JMA-ST 21 Daimler v. Notre Dame Parish et al, 2:23-cv-04916-JMA-LGD 22 RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-cv-04949-JMA-ST 23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,	18	
 19 Maynard v. St. Brigid/Our Lady of Hope Regional School, et al, 2:23-cv-04883-JMA-SIL 20 ARK516 Doe v. St. Brigid et al, 2:23-cv-04902-JMA-ST 21 Daimler v. Notre Dame Parish et al, 2:23-cv-04916-JMA-LGD 22 RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-cv-04949-JMA-ST 23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al, 	10	
2:23-cv-04883-JMA-SIL 20 ARK516 Doe v. St. Brigid et al, 2:23-cv-04902-JMA-ST 21 Daimler v. Notre Dame Parish et al, 2:23-cv-04916-JMA-LGD 22 RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-cv-04949-JMA-ST 23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,	10	
20 ARK516 Doe v. St. Brigid et al, 2:23-cv-04902-JMA-ST 21 Daimler v. Notre Dame Parish et al, 2:23-cv-04916-JMA-LGD 22 RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-cv-04949-JMA-ST 23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,	17	, , , , , , , , , , , , , , , , , , , ,
2:23-cv-04902-JMA-ST 21 Daimler v. Notre Dame Parish et al, 2:23-cv-04916-JMA-LGD 22 RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-cv-04949-JMA-ST 23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,	20	
 Daimler v. Notre Dame Parish et al, 2:23-cv-04916-JMA-LGD RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-cv-04949-JMA-ST RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al, 	∠0	
2:23-cv-04916-JMA-LGD 22 RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-cv-04949-JMA-ST 23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,	21	
22 RKNassau2 Doe v. St. Raymond Parish, et al, 2:23-cv-04949-JMA-ST 23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,	21	·
2:23-cv-04949-JMA-ST 23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,	-	
23 RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,	22	· · · · · · · · · · · · · · · · · · ·
1 12.22 ov 04080 IMA AVS	23	·
2.25-CV-04780-JMA-A 1 S		2:23-cv-04980-JMA-AYS

24	May v. Saint Isidore School et al,
	2:23-cv-04981-JMA-AYS
25	Foulkes v. St. Mary's College Preparatory High School, et al,
	2:23-cv-04985-JMA-SIL
26	ARK562 Doe v. St. Thomas, et al,
	23-cv-04989-JMA-LGD
27	Diffley v. St. Anthony of Padua Roman Catholic Church,
	23-cv-04992-JMA-ST
28	Lello v. St. Luke's Roman Catholic Church et al,
	2:23-cv-04995-JMA-LGD
29	ARK544 Doe v. St. Patrick et al,
	2:23-cv-04997-JMA-LGD
30	ARK609 Doe v. St. Hugh of Lincoln et al,
	2:23-cv-05005-JMA-SIL
31	Doe v. Franciscan Brothers of Brooklyn et al,
	2:23-cv-05008-JMA-ARL
32	ARK537 Doe v. SS Cyril and Methodius et al,
32	2:23-cv-05013-JMA-ST
33	Tribuzio v. St. John the Evangelist R.C. Church et al,
33	2:23-cv-05019-JMA-AR
34	Alongi v. St. Hugh of Lincoln School et al,
34	2:23-cv-05020-JMA-LGD
25	
35	Hotchkiss v. St. Joseph Roman Catholic Church, 2:23-cv-05028-JMA-SIL
26	
36	Pellegrino v. St. Luke's Roman Catholic Church,
27	2:23-cv-05058-JMA-SIL
37	Sloan v. St. Hugh of Lincoln Roman Catholic Church et al,
20	2:23-cv-05064-JMA-AYS
38	Purcell v. Church of St. Patrick,
20	2:23-cv-05081-JMA-AYS
39	Martin v. Franciscan Brothers of Brooklyn et al,
40	2:23-cv-05089-JMA-AYS
40	ARK575 Doe v. Sisters of Charity of the Blessed Virgin Mary et al,
11	2:23-cv-05097-JMA-AYS
41	ARK576 Doe v. St. Raphael et al,
	2:23-cv-05101-JMA-LGD
42	Billone v. St. Anthony of Padua School et al,
	2:23-cv-05103-JMA-AYS
43	Grace De Libero v. St. Anthony's Roman Catholic Church et al,
	2:23-cv-05105-JMA-LGD
44	Morrison v. Our Lady Queen of Martyrs Catholic Church,
	2:23-cv-05117-JMA-LGD
45	ARK560 Doe v. Mary Immaculate et al,
	2:23-cv-05120-JMA-LGD
46	Esposito v. Seton Hall High School et al,
	2:23-cv-05121-JMA-AYS

47	Heffernan v. St. John of God Roman Catholic Church,
7	2:23-cv-05124-JMA-LGD
40	
48	ARK621 Doe v. St. Gerard Majella et al,
	2:23-cv-05144-JMA-LGD
49	PB-55 Doe v. The Roman Catholic Archdiocese of New York et al,
	2:23-cv-05150-JMA-AYS
50	ARK662 Doe v. Catholic Youth Organization et al,
	2:23-cv-05159-JMA-ST
51	Baynes v. Holy Family Roman Catholic Church et al,
	2:23-cv-05191-JMA-SIL
52	ARK656 Doe v. St. Hedwig's et al,
	2:23-cv-05194-JMA-ST
53	Frick v. St. Agnes Roman Catholic Cathedral et al,
	2:23-cv-05209-JMA-ST
54	Srubinski v. St. Ladislaus Roman Catholic Parish, et al,
	2:23-cv-05213-JMA-AYS
55	ARK674 Doe v. St. Aiden's, et al.,
	2:23-cv-05217-JMA-AYS
56	Leat v. Holy Trinity High School, et al,
	2:23-cv-05221-JMA-SIL
57	Altenburg v. Roman Catholic Parish of St. Agnes Cathedral et al,
	2:23-cv-05222-JMA-LGD
58	ARK457 Doe v. Holy Family et al,
	2:23-cv-05374-JMA-LGD

SO ORDERED.

Dated: August 17, 2023

Central Islip, New York

/s/ (JMA) JOAN M. AZRACK UNITED STATES DISTRICT JUDGE